

# EXHIBIT 23

Case:17-03283-LTS Doc#:17442 Filed:07/20/21 Entered:07/21/21 10:25:17 Desc: Main  
Document Page 1 of 2

**UNITED STATES DISTRICT COURT  
FOR THE PUERTO RICO DISTRICT**

SONIA IVETTE FERRER MELENDEZ

Creditor

v.

FINANCIAL MANAGEMENT AND  
OVERSIGHT BOARD FOR  
PUERTO RICO

representative of the

COMMONWEALTH OF PUERTO RICO, ET  
AL...,

Debtor

PROMESA

Title III

No. 17BK3283-LTS

(This Reply relates to the Commonwealth)

[illegible filing date stamp]

**Reply**

Before the HONORABLE **Clerk's Office**, the **Counsel for the Oversight Board** and **Counsel for the Creditors' Committee**;

We very respectfully submit:

In the Matter of the **Notice of the Three hundred Forty-Fifth Omnibus** (Substantive) **Objection of** the Commonwealth of Puerto Rico (Commonwealth), the Puerto Rico Highway and Transportation Authority (PRHTA) and the Commonwealth of Puerto Rico Government Employees' Retirement System (SRE) to Misclassified Claims.

Refer to **Exhibit A: Claims to be reclassified. No. 74, in the name of Ferrer Meléndez, Sonia I. HC-75 Box 1106 Naranjito PR 00719, Claim No. 23016, Debtor, Commonwealth of Puerto Rico, Priority Status, Secured, Amount, \$3,000,000.00**

The notice alleges that the creditor failed to provide evidence to support its secured claim.

To that effect, we hereby submit again the corresponding proof of claim and supporting documentation to be considered regarding the right to such claim:

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- On **October 21, 2016**, a first charge of employment DISCRIMINATION (**Charge No. 515-2017-00056**) was filed with the U.S. Equal Employment Opportunity Commission (EEOC) against the Puerto Rico Department of Health (Employer). Exhibit A.
- On **July 24, 2018**, a second charge of REPRISALS, in employment (**Charge No. 515-2018-00366**) was filed with the U.S. Equal Employment Opportunity Commission against the Employer. Exhibit B.
- On **March 12, 2019**, a third charge (**Charge No. 515-2019-00198**) was filed with the U.S. Equal Employment Opportunity Commission against the General Labor Union (UGT). Exhibit C.
- On **December 16, 2020**, the Equal Employment Opportunity Commission granted the three (3) "Dismissal and Notice of Rights" permits to file the charges in Federal Court. Exhibit D.
- On **March 12, 2021**, the lawsuit against the Department of Health and the General Workers Union was filed before the Honorable Federal Court of Puerto Rico. Exhibit E.

**RESPECTFULLY SUBMITTED,**

In San Juan, Puerto Rico, this 14th day of July, 2021.

[signature]

**SONIA IVETTE FERRER MELENDEZ**

Claimant

Bo. Higuillales, Rt. 152 R 814, KM 0.5  
Naranjito, PR 00719


HC-75 Box 1106  
Naranjito, PR 00719  
(787) 218-7690  
sfmelendezlee@msn.com

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Exhibit Page 1 of 14

**IF YOUR CLAIM IS LISTED HERE, ONE OR MORE OF THE DEBTORS ARE SEEKING  
TO DISALLOW YOUR CLAIM FOR THE REASON LISTED BELOW.**

NAME	CLAIM #	DATE FILED	DEBTOR	ASSERTED CLAIM AMOUNT
Ferrer Melendez, Sonia I.	23016	5/25/2018	Commonwealth of Puerto Rico	\$3,000,000.00
Reason:	The daimant failed to provide prima facie evidence to support a secured claim.			

**SI SU RECLAMO ESTÁ INCLUIDO AQUÍ, UNO O MÁS DE LOS DEUDORES SOLICITAN  
QUE SU RECLAMO SEA RECHAZADO POR LA RAZÓN INDICADA AQUÍ ABAJO.**

NOMBRE	N.º DE RECLAMACIÓN	FECHA DE PRESENTACIÓN	DEUDOR	MONTO DE LA RECLAMACIÓN ALEGADA
Ferrer Melendez, Sonia I.	23016	5/25/2018	Commonwealth of Puerto Rico	\$3,000,000.00
Base para:	El demandante omitió proporcionar pruebas evidentes para apoyar un redamo asegurado. 			

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EEOC Form 5 (11/09) <b>CHARGE OF DISCRIMINATION</b> This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		Charge Presented To: Agency(ies) Charge No(s): <input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC <b>515-2017-00056</b>	
_____ and EEOC State or local Agency, if any			
Name (Indicate Mr., Ms., Mrs.) <b>Sonia Ferrer Melendez</b>		Home Phone (Incl. Area Code) <b>(787) 218-7690</b>	
Street Address City, State and ZIP Code <b>H C-75 Box 1106, Naranjito, PR 00719</b>			
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name <b>DEP. DEPARTMENT OF HEALTH</b>		No. Employees, Members <b>15 - 100</b>	
Phone No. (Include Area Code) <b>(787) 777-0150</b>			
Street Address City, State and ZIP Code <b>Li Helmer Rivera, Esq. Human Resources, Call Box 70184, San Juan, PR 00936</b>			
Name <b>Li Helmer Rivera, Esq. Human Resources, Call Box 70184, San Juan, PR 00936</b>		No. Employees, Members <b>15 - 100</b>	
Phone No. (Include Area Code) <b>(787) 777-0150</b>			
Street Address City, State and ZIP Code <b>Li Helmer Rivera, Esq. Human Resources, Call Box 70184, San Juan, PR 00936</b>			
DISCRIMINATION BASED ON (Check appropriate box(es).) <input type="checkbox"/> RACE <input type="checkbox"/> COLOR <input checked="" type="checkbox"/> SEX <input checked="" type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input checked="" type="checkbox"/> DISABILITY <input type="checkbox"/> GENETIC INFORMATION <input type="checkbox"/> OTHER (Specify)		DATE(S) DISCRIMINATION TOOK PLACE Earliest Latest <b>09-04-2007 10-21-2016</b> <input checked="" type="checkbox"/> CONTINUING ACTION	
<p>I started working for the employer in September 1999. I currently work as an Environmental Health Specialist. For years, I have suffered discrimination for being a woman and have been treated as having a mental impairment. Specifically, Mr. Javier Torres Urbina has been isolating me, limiting me in my functions and schedules, he treats me in a hostile manner, he did not send me to an EPA training in "Lead and Copper Corrosion Control", but he took with him Mr. Jesus Saez, who does not work in this department. Furthermore, Mr. Javier Torres tries to impose his religious beliefs on the office staff and when I do not participate, he gets upset with me and treats me in a hostile manner. He makes fun of my opinions, has sent me for psychological evaluations, harasses me with the Collective Bargaining Agreement, more so than with other employees. The best computers and work equipment are provided to the other employees, [all] except me. The staff he supervises also treat me in a hostile manner and cover for each other. I have filed several complaints with Human Resources, including HIPAA violations and through the Union, but no corrective action has been taken; instead, the employer retaliates against me.</p> <p>The employer has not given me an explanation for allowing this discrimination against me to continue.</p> <p>I believe I am being discriminated against because of my gender, religion and for having a mental impairment. in violation of Title VII and the ADA.</p>			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY - When necessary for State and Local Agency Requirements	
I declare under penalty of perjury that the above is true and correct.		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.	
_____ Date		SIGNATURE OF COMPLAINANT	
_____ Charging Party Signature		SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)	

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EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

AUTHORIZATION FOR RELEASE OF INFORMATION TO THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION	
INFORMATION ABOUT AGGRIEVED PERSON	
NAME AND ADDRESS AT TIME OF TREATMENT:  Sonia Ferrer Melendez H C-75 Box 1106, Naranjito, PR 00719	DATE OF BIRTH:  [REDACTED] 1964 (m) af. Oct. 21, 2016
STATED IMPAIRMENT:  I was required to submit myself to several medical examinations because I was regarded as disabled.  I hereby authorize the EEOC to review all reports submitted by psychologists, psychiatrists, and any other doctor(s).	
APPROXIMATE DATES OF AGGRIEVED PERSON'S CONTACT WITH SOURCE REGARDING IMPAIRMENT (e.g., dates of treatment, hospitalization, etc.):  The evaluations were held in 2014-2016	
<u>GENERAL AND SPECIAL AUTHORIZATION TO RELEASE MEDICAL AND OTHER INFORMATION</u>  I hereby authorize the release or disclosure to the Equal Employment Opportunity Commission the following information for the period(s) identified above:  1) All records or other information regarding my treatment, hospitalization, and/or outpatient care for my stated impairment(s);  2) Information about how my stated impairment affects my ability to perform major life activities other than working; or  3) Information about how my stated impairment affects my ability to work.	
SIGNATURE OF AGGRIEVED PERSON: [Signature]	DATE: Oct 21, 2016
CURRENT ADDRESS:  same/la misma	

EEOC Form 626 (10/94)

[handwritten:] Exhibit B

EEOC Form 5 (11-09)		CHARGE OF DISCRIMINATION		Charge Presented To: Agency(ies) Charge No(s):	
This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.				<input type="checkbox"/> FEPA	515-2019-00198
				<input checked="" type="checkbox"/> EEOC	
State or local Agency, if any					
Name (indicate Mr., Ms., Mrs.)		Home Phone (Incl. Area Code)		Date of Birth	
Sonia Ferrer Melendez		(787) 218-7690			
Street Address City, State and ZIP Code					
H C-75 Box 1106, Naranjito, PR 00719					
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)					
Name		No Employees Members		Phone No. (Include Area Code)	
GERSON GUZMAN, PRESIDENT		Unknown		(787) 240-0808	
Street Address City, State and ZIP Code					
Unión General de Trabajadores (UGT), P. O. Box 29247, Estación 65 Infantería, Río Piedras, PR 00929					
Name		No Employees Members		Phone No. (Include Area Code)	
Street Address City, State and ZIP Code					
DISCRIMINATION BASED ON (Check appropriate box(es).)				DATE(S) DISCRIMINATION TOOK PLACE	
<input type="checkbox"/> RACE <input type="checkbox"/> COLOR <input checked="" type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN				Earliest Latest	
<input type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input checked="" type="checkbox"/> DISABILITY <input type="checkbox"/> GENETIC INFORMATION				03-05-2018 02-28-2019	
<input type="checkbox"/> OTHER (Specify)				<input checked="" type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s))					
<p>I started working for the Health Department in September 1999. I am currently working as an Environmental Health Specialist. I have filed several grievances with the Union due to discriminatory treatment by the Health Department. I have been subjected to employment discrimination because of my gender, religion, sexual preference and mental condition, but the Union has not represented me.</p> <p>I have filed grievances with the Union, but they have not been attended to. I understand that I have not had a fair or adequate union representation in view of the problems I am experiencing and the labor discrimination to which I have been subjected for all these years. The discrimination has consisted of all distinctions including exclusion and unequal treatment based on my gender, religion, sexual preference and mental condition. The Union has not given me an explanation for not addressing my grievances.</p> <p>I understand that I am being discriminated against because of my gender, religion, sexual preference and mental condition in violation of Title VII of the Civil Rights Act of 1964, as amended, and the Americans with Disabilities Act of 1990, as amended.</p>					

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY - When necessary for State and Local Agency Requirements	
I declare under penalty of perjury that the above is true and correct.		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.	
Date		SIGNATURE OF COMPLAINANT	
Marzo 12, 2019		SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)	
Sonia Ferrer Melendez			
Charging Party Signature			

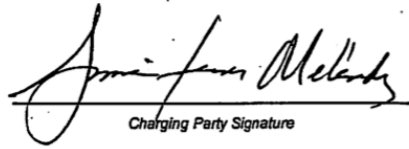
Scanned by CamScanner



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EEOC Form 5 (11/09)

[handwritten:] Exhibit C

<b>CHARGE OF DISCRIMINATION</b> <small>This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.</small>		Presented To: _____ Agency(ies) Charge No(s): <input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC <b>515-2018-00366</b>	
State or local Agency, if any _____ and EEOC _____			
Name (Indicate Mr., Ms., Mrs.) <b>Sonia Ferrer Melendez</b>		Home Phone (Incl. Area Code) <b>(787) 218-7690</b>	
Street Address <b>H C-75 Box 1106, Naranjito, PR 00719</b>		City, State and ZIP Code	
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name <b>DEPARTMENT OF HEALTH</b>		No. Employees, Members <b>15 - 100</b>	
Street Address <b>Lic. Helmer Rivera, Recursos Humanos, Call Box 70184, San Juan, PR 00936</b>		City, State and ZIP Code <b>San Juan, PR 00936</b>	
Name _____		No. Employees, Members _____	
Street Address _____		City, State and ZIP Code _____	
DISCRIMINATION BASED ON (Check appropriate box(es).) <input type="checkbox"/> RACE <input type="checkbox"/> COLOR <input checked="" type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input checked="" type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input checked="" type="checkbox"/> DISABILITY <input type="checkbox"/> GENETIC INFORMATION <input type="checkbox"/> OTHER (Specify) _____		DATE(S) DISCRIMINATION TOOK PLACE Earliest <b>10-21-2016</b> Latest <b>07-16-2018</b> <input type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)): <p>I started working for the employer in September 1999. I currently work as an Environmental Health Specialist. I filed a charge of discrimination on October 21, 2016. Since filing the charge, I have been subjected to retaliation including: a hostile work environment, discrimination, harassment and bullying from both Supervisor Javier Torres and co-workers; retaliation for reporting me to the Fund and the reason was for emotional mistreatment at work; unexplained wage deductions and wage withholding; reprimands and negative evaluations of my work; frequent threats of disciplinary action; interference with my computer which has prevented me from doing my job; and increased surveillance. Finally, on April 2, 2018, the employer began a disciplinary process against me, "Intent to Suspend Employment and Salary" through Mr. Javier Torres and his Supervisor Ms. Mayra Toro, Assistant Secretary of Environmental Health.</p> <p>The employer has not given me an explanation for allowing further retaliation against me.</p> <p>I believe that I am being retaliated against because of the discrimination charge (515-2017-00056) that I previously filed in violation of Title VII of 1964, as amended and the ADA Act of 1990 as amended.</p>			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures. I declare under penalty of perjury that the above is true and correct. July 24, 2018  Date Charging Party Signature		NOTARY - When necessary for State and Local Agency Requirements I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT _____ SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)	



[handwritten:] Exhibit D

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Exhibit Page 6 of 14

EEOC Form 161 (11/16)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Sonia Ferrer Melendez**  
**HC-75 Box 1106**  
**Naranjito, PR 00719**

From: **San Juan Local Office**  
**525 F D Roosevelt Ave**  
**1202 Plaza Las Americas**  
**San Juan, PR 00918**

☐

On behalf of person(s) aggrieved whose identity is  
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

**515-2017-00056**

**Damien Luna,**  
**Investigator**

**(787) 520-5618**

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

☐

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.

☐

Your allegations did not involve a disability as defined by the Americans With Disabilities Act.

☐

The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.

☐

Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge

☒

The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.

☐

The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.

☐

Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

**Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act:** This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed **WITHIN 90 DAYS** of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

**Equal Pay Act (EPA):** EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

**Miguel Escobar**

Digitally signed by Miguel Escobar  
DN: cn=Miguel Escobar, o=EEOC Miami District,  
ou=EEOC, email=miguel.escobar@eEOC.gov, c=US  
Date: 2020.12.15 13:18:00 -0500

for

**12-16-2020**

Enclosures(s)

**Bradley Anderson,**  
**Acting District Director**

(Date Mailed)

cc: **Director, Office of Human Resources**  
**Departamento De Salud**  
**PO Box 70184**  
**San Juan, PR 00936**

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EEOC Form 161 (11/16)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Sonia Ferrer Melendez**  
**HC-75 Box 1106**  
**Naranjito, PR 00719**

From: **San Juan Local Office**  
**525 F D Roosevelt Ave**  
**1202 Plaza Las Americas**  
**San Juan, PR 00918**



On behalf of person(s) aggrieved whose identity is  
**CONFIDENTIAL (29 CFR §1601.7(a))**

EEOC Charge No.

EEOC Representative

Telephone No.

**515-2018-00366**

**Damien Luna,**  
**Investigator**

**(787) 520-5618**

**THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:**



The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

**- NOTICE OF SUIT RIGHTS -**

(See the additional information attached to this form.)

**Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act:** This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

**Equal Pay Act (EPA):** EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Office of the Director  
**Miguel Escobar** for

**12-16-2020**

Enclosures(s)

**Bradley Anderson,**  
**Acting District Director**

(Date Mailed)

cc:

**Director, Office of Human Resources**  
**Departamento De Salud**  
**PO Box 70184**  
**San Juan, PR 00936**

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EEOC Form 161 (11/16)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Sonia Ferrer Melendez**  
**HC-75 Box 1106**  
**Naranjito, PR 00719**

From: **San Juan Local Office**  
**525 F D Roosevelt Ave**  
**1202 Plaza Las Americas**  
**San Juan, PR 00918**

☐

On behalf of person(s) aggrieved whose identity is  
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

**515-2019-00198**

**Damien Luna,**  
**Investigator**

**(787) 520-5618**

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

☐

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.

☐

Your allegations did not involve a disability as defined by the Americans With Disabilities Act.

☐

The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.

☐

Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge

☒

The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.

☐

The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.

☐

Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

**Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act:** This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed **WITHIN 90 DAYS** of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

**Equal Pay Act (EPA):** EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred **more than 2 years (3 years)** before you file suit may not be collectible.

On behalf of the Commission  
**Miguel Escobar** for  
DN: cn=Miguel Escobar, o=EEOC Miami District,  
ou=EEOC, email=miguel.escobar@eeoc.gov, cn=US  
Date: 2020.12.15 13:21:59 -0500

**12-16-2020**

Enclosures(s)

**Bradley Anderson,**  
**Acting District Director**

(Date Mailed)

cc:

**Gerson Guzman, Presidente**  
**Union General De Trabajadores**  
**P.O. Box 29247**  
**San Juan, PR 00929**

[handwritten:] Exhibit E

Case:17-03283-LTS Doc#:17442-1 Filed:07/20/21 Entered:07/21/21 10:25:17 Desc:  
Exhibit Page 9 of 14

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

SONIA IVETTE FERRER MELENDEZ  
Plaintiff

v.

PUERTO RICO DEPARTMENT OF HEALTH  
(Employer) Defendant(s)

Antiguo Hospital de Psiquiatría  
Edif. A, Centro Médico  
Rio Piedras, PR

PO Box 70184  
San Juan PR 00936-0184

X,Y,Z Insurers

V.

GENERAL LABOR UNION OF PUERTO RICO,  
LOCAL 1199  
Defendant(s)

Villa Capri Development  
611 Nice Street  
San Juan PR 00924

PO Box 29247  
65th Infantry Station,  
Rio Piedras PR 00929

CIVIL NO. [handwritten:] 21-cv-  
1116(GAG)

In Re: DAMAGES

[Stamp:] 2021 MAR 12, 10:01 AM  
U.S. DISTRICT COURT  
SAN JUAN, PR

COMPLAINT

TO THE HONORABLE FEDERAL COURT:

The plaintiff, Sonia Ivette Ferrer Meléndez, on her own behalf, of legal age, single, employed and resident of the town of Naranjito, PR. Very respectfully states, alleges and requests that:

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**I. Declaration of Jurisdiction:**

At the U.S. Equal Employment Opportunity Commission (EEOC) offices in San Juan, the following three (3) charges were filed:

1. On **October 21, 2016**, I filed a first charge of DISCRIMINATION, against said Employer Exhibit [sic].
2. On **July 24, 2018** a second charge of REPRISALS, against said Employer Exhibit [sic].
3. On **March 12, 2019**, a third charge against the General Workers Union (UGT, by its Spanish acronym) Exhibit.

After four (4) years of investigation, the EEOC determined that they cannot conclude that my rights were violated, but neither could they conclude that my rights were not violated. Therefore, on **December 16, 2020**, I was served with the three Dismissals and Notice of Rights in federal court. (Exhibits)

Copy of the record of the three 3 cases is available on the EEOC portal, PAGE No.: 510-2018-011655, Ferrer Melendez Sonia v DEPARTMENT OF HEALTH 515-2017-00056.

**II. The parties:**

- A. Ms. Sonia Ivette Ferrer Meléndez, of legal age, single, employed and a resident of Naranjito Puerto Rico, hereinafter referred to as the Plaintiff. With mailing address, HC- 71 Box 1106, Naranjito, PR 00719 and physical address, Highway 152, Ramal 814, Barrio Higuillales Naranjito, Puerto Rico.
- B. The Respondent, The Department of Health of Puerto Rico, the employer, with mailing address, PO Box 70184, San Juan, PR 00936-0184 and the physical address is Antiguo Hospital de Psiquiatría, Edif. A, Centro Médico, Rio Piedras, Puerto Rico.
- C. Defendant, The General Workers Union of Puerto Rico (UGT), Local 1199, with mailing address; PO Box 29247, Station 65 Infantry, Rio Piedras PR 00929 and physical address. Urbanización Villa Capri, 611 Calle Niza, San Juan Puerto Rico 00924.



### **III. The facts of the case**

**1. On October 21, 2016**, I filed a first charge of DISCRIMINATION against the Employer.

I started working for the employer in September 1999. I am currently working as an Environmental Health Specialist. For years I have suffered discrimination for being a woman and I have been treated as if I have a mental disability. Specifically, Mr. Javier Torres Urbina has been isolating me, limiting my functions and schedules; he treats me in a hostile manner, he did not send me to a training on October 5, 2016 of the EPA (Lead and Copper Corrosion Control) but rather he went with Mr. Jesus Saez who does not work in this area. Furthermore, Mr. Javier Torres tries to impose his religious beliefs on the office staff and when I do not participate, he gets upset with me and treats me in a hostile manner. He makes fun of my opinions and has sent me for psychiatric and psychological evaluations, he harasses me with the Collective Bargaining Agreement more than the other employees. The best computers and work equipment are with all the other employees except me. The staff he supervises also treat me in a hostile manner and cover for each other. I have filed several complaints with Human Resources, including for violation of HIPPA and through the Union, but no corrective action has been taken; instead, the employer retaliates against me.

The employer has not given me an explanation for allowing this discrimination against me to continue.

I also believe that I am being discriminated against because of my gender, sexual orientation and gender identity, religion, and as if I have a mental impairment in violation of Title VII and the Americans with Disabilities Act (ADA) of 1990.

**2. On July 24, 2018**, I filed a second charge against the Employer for REPRISALS.

I started working for the employer in September 1999. I am currently working as an Environmental Health Specialist. I filed a charge of discrimination on October 21, 2016. Since filing the charge, I have been subjected to retaliation, including a hostile environment, discrimination, hounding and harassment at work from both supervisor Javier Torres and co-workers; retaliation for reporting me to the Fund and the reason was for emotional mistreatment at work; discounts to my salary without explanation and salary withholding; reprimands and negative evaluations about my work; frequent threats of disciplinary action; interference with my computer which has not allowed me to do my job;



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and increased surveillance. Finally, on April 2, 2018, the employer started a disciplinary process against me, "Intent to Suspend Employment and Salary", through Mr. Javier Torres and his Supervisor Ms. Mayra Toro, Assistant Secretary of Environmental Health.

The employer has not given me an explanation for allowing further retaliation against me.

I believe they are retaliating against me because of the discrimination charge (515-2017-00056) that I previously filed in violation of Title VII of 1964, as amended, and ADA Act of 1990, as amended.

**3. On March 12, 2019**, I filed a third charge against the UNION.

I started working for the Department of Health in September 1999. I am currently working as an Environmental Health Specialist. I have filed several grievances with the Union due to discriminatory treatment by the Health Department. I have been subjected to employment discrimination due to my age, gender, religion, sexual preference and mental condition, but the Union has not represented me.

I have filed grievances with the Union, but they have not been attended to. I have not had fair or adequate union representation in view of the problems I am experiencing and the labor discrimination to which I have been subjected for all these years. Discrimination has consisted of all distinctions including exclusion and unequal treatment based on my gender, religion, sexual preference and mental condition. The union has not given me an explanation for not addressing my grievances.

I hold that I am being discriminated against because of my gender, religion, sexual preference and mental condition in violation of Title VII of the Civil Rights Act of 1964, as amended, and the Americans with Disabilities Act of 1990, as amended.

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#### **IV. Plea**

Finally, I plead of the honorable Federal Court:

- a. that I be provided with legal representation since I do not have the financial resources necessary to cover the cost of legal fees.
- b. that my health condition not be treated as a common disease, but rather there is a clear cause and effect relationship underlying it, the origin of which is the working conditions caused by adverse situations and circumstances that have a causal link between the work situation, the disease and the condition suffered.
- c. that the Employer be found guilty, and that fair financial compensation be ordered for the damages and mental anguish suffered, in the amount of \$10,000,000.
- d. that the Union be found guilty, and that just compensation be ordered for the damages and mental anguish suffered in the amount of \$10,000,000.
- e. that, in addition, all established relief, as appropriate under the rule of law, be applied.

To the Honorable Judge of this Court, I most respectfully request.

March 12, 2021

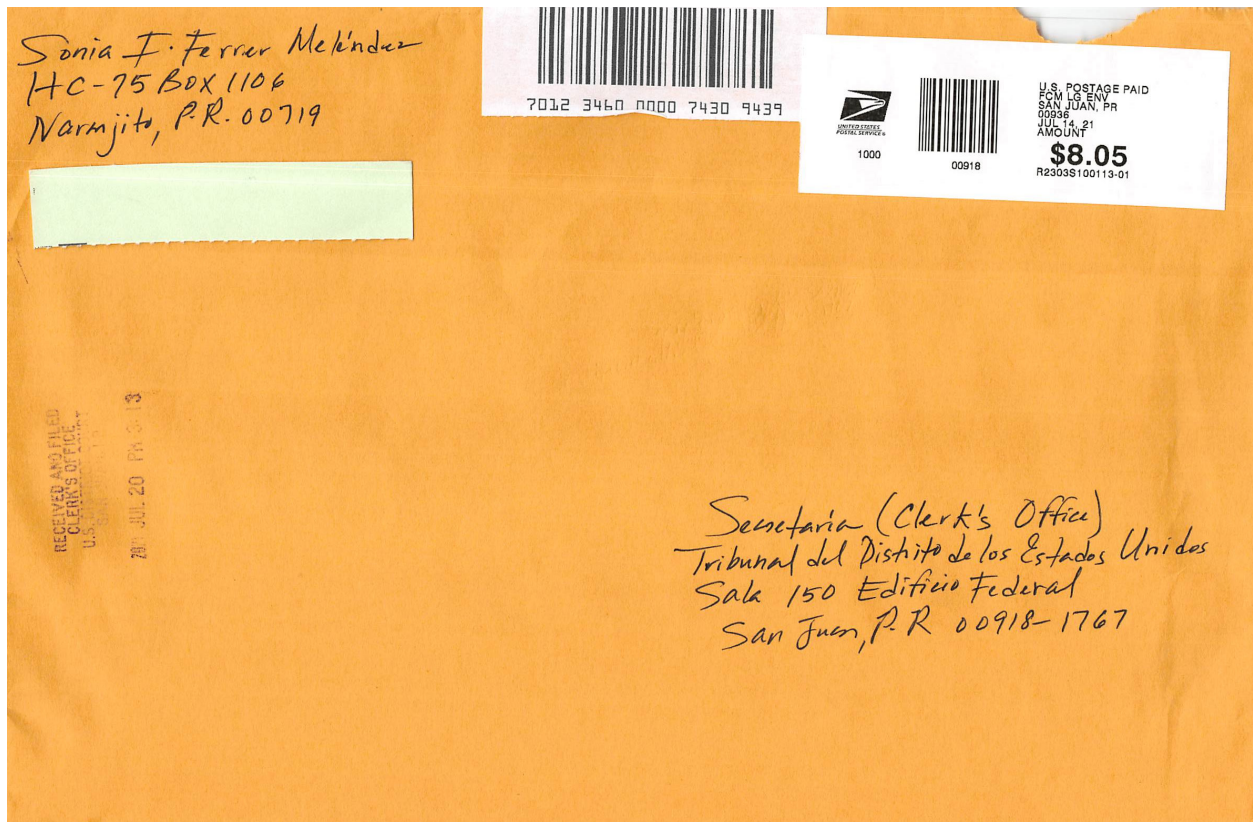
[signature]  
SONIA IVETTE FERRER MELENDEZ  
Bo. Higuillales, Rt. 152 R 814, KM 0.5  
Naranjito, PR 00719

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#### **IV. Jury Demand**

To the Honorable Judge of this Court, I respectfully request that the case be tried by jury.





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### TRANSLATOR'S CERTIFICATE OF TRANSLATION

Translation from: Spanish (Puerto Rico) into English (US)  
TARGEM Translations Inc.

I, Andreea I. Boscor, ATA-certified Spanish-English #525556, acting as translator at TARGEM Translations Inc., a NEW YORK City corporation, with its principal office at 185 Clymer Street, Brooklyn, NY, 11211, USA, certify that:

the English translated document is a true and accurate translation of the original Spanish and has been translated to the best of my knowledge.

Original Document Name: **Claim No. 23016 ECF No. 17442**

Signed this 16th day of August, 2021



Verify at [www.atanet.org/verify](http://www.atanet.org/verify)

A handwritten signature in blue ink, appearing to read 'Andreea I. Boscor'.

\_\_\_\_\_  
Andreea I. Boscor

